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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/668,190

09/24/2003

Axel Becker

APV31647

4116

24257

7590

09/28/2005

STEVENS DAVIS MILLER & MOSHER, LLP
1615 L STREET, NW
SUITE 850
WASHINGTON, DC 20036

EXAMINER

PUROL, DAVID M

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/668,190

Applicant(s)

BECKER ET AL.

Examiner

David M. Purol

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>01302004</u> . | 6) <input type="checkbox"/> Other: _____ |

Handwritten signature/initials.

1. The abstract of the disclosure is objected to because of the inclusion of legal phraseology "means" and "comprising". Correction is required. See MPEP § 608.01(b).

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is not known the structure and/or the circuitry which comprises the following elements: the mechanical bolting mechanisms 3; the door lock 4; the door operator 10 being equipped with remote control permitting the door 2 to be opened and closed from without and within by radio means or a hardwired achievement; the transmitter 14 for wireless signaling a receiver 16 which in turn actuates the door operator 10; the keypad 18 with which one or more key strike sequences can be entered for emitting the transmission signal 20 for actuating the door operator 10; the transmission signal 20 being activated by a mechanical or electronic key or finger print sensors; the operation means permitting the user to teach the key strikes or electronic keys for enabling the transmission signal to permit direct activation of the user operation means 28 of the transmission signal 20 for actuating the door operator 10; the wireless activate of the RKC 12 with one or more extra functions by further receivers both directly and indirectly enabling patio lighting, a bell, or an actuator in the vicinity; the rendering of the keypad

18 of the RKC 12 on the outer side 24 of the door illuminated enabled by the first key strike in the dark and automatically disabled after a delay following the last key strike to save energy; the lead 50 from the controller of keypad controller 52 in the door leaf 1 to the door operator 10 or a dedicated electronic analyzer in the zone to which unauthorized access is prevented; the KC 52 including a keypad 18 with which one or more key strike sequences known specifically only to the user can be entered for emitting the signal 20 for actuating the door operator 10; embodiments in which the signal 20 is activated by a mechanical or electronic key; the KC 52 on which non-authorized access is prevented on the door operator 10 or on an electronic analyzer associated therewith operation means enabling the user to teach the key strikes or electronic keys for enabling the activating the door operator signal; the KC 52 enabling one or more extra functions on the door operator 10 or electronic analyzer both directly and indirectly actuating patio lighting, a bell or actuator in the vicinity; the rendering of the keypad of the KC 52 on the outer side 24 of the door illuminated enabled by the first key strike in the dark and automatically disabled after a delay following the last key strike to save energy.

3. Claims 1-13 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

These claims are replete with language for which its intended meaning is not understood and further are replete with grammatical/idiomatic errors. For example: claim 1, line 2 "as well as", line 3 "actuating means" which is devoid of a statement of its intended function, line 3 "to be fitted", line 3 "the zone" for which there is no antecedent basis, line 4 "means of which" which is devoid of a statement of its intended function,

line 5 "ID", line 6 "said ID controlling and actuating means" for which there is no antecedent basis; claim 2, line 2 "or by", line 3 "or"; claim 3, lines 1-2 "following entry of a code or touch or proximity contact of an ID object"; claim 4, line 3 "keypad, a finger print sensor switch or an ID card switch, line 4 "or on proximity of an authorized ID card or other"; claim 5, line 2 "is provided with", line 2 "more particularly", line 3 "to a receiver assigned", lines 3-4 "said motor assembly of said door operator" for which there is no antecedent basis; claim 6, lines 1-2 "can be signaled", line 3 "on or in", line 4 "a signal corresponding to the signal"; claim 7, line 2 "on or in", line 3 "is hardwired by", line 3 "more particularly by a", line 4 "said motor assembly and/or door operator"; claim 8, line 2 "is provided", line 2 "the inner side" for which there is no antecedent basis, line 3 "smart user controls or operation means", line 3 "ID features", line 4 "and/or", line 5 "and/or ancillary functions"; claim 9, line 1 "via said", line 2 "one or more additional electrical means", lines 2-3 "more particularly lighting", line 3 "can be enabled"; claim 10, lines 1-2 "can be signaled", line 2 "in a vehicle", line 3 "on or in", line 4 "a signal corresponding to the signal"; claim 11, line 2 "is provided on", lines 3-6 in their entirety; claim 12, line 2 "is provided on", lines 3-6 in their entirety; claim 13, line 1 "for fabricating, furnishing and/or fitting a", line 3 "suitable for mounting", line 4 "and actuating means" which is devoid of a statement of its intended function, line 5 "a door frame or members likewise", line 6 "to be secured fixed in place", line 6 "and/or", line 8 "corresponding manually operated bolting elements or a door", lines 11-12 "by means of an authorized user following or on implementation of an ID or authorization interrogation", line 13 "deciding whether said door is to be operated manually or", line 17 "be secured fixed-as said door frame to the site", lines 18-19 "fitting said bolting device


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also being possible after furnishing to site", line 20 "or", line 23 "to be secured fixed", lines 25-26 "also being possible after furnishing to site".

In addition, these claims are narrative in form and replete with functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device.

4. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Doppelt et al, Valente et al, Fizgibbon et al '987 and '374, Fitzgibbon.

5. Any inquiry concerning this communication should be directed to David M. Purol at telephone number (571) 272-6833.


David M Purol
Primary Examiner
Art Unit 3634